

# The Commonwealth of Massachusetts

## Office of Campaign & Political Finance

One Ashburton Place, Boston 02108

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**A0-15**

Dennis J. Duffin  
Director

September 14, 1982

\* C55, M.G.L. S.9 WAS AMENDED BY C.631,S.6  
EFFECTIVE MARCH 23, 1987. TO ALLOW POLITICAL  
COMMITTEES TO OBTAIN A CREDIT CARD FOR  
COMMITTEE PURCHASES ONLY.

Representative Vincent J. Piro  
Assistant Majority Whip  
House of Representatives  
State House  
Boston, MA 02133

Dear Representative Piro;

Thank you very much for your letter of June 23, 1982.

I appreciate your patience in awaiting my response to your questions. As I mentioned in our telephone conversation in order to provide due consideration to the matters contained in your letter, it was necessary for this office to take the time for evaluation and research.

You asked me to respond to the following questions, which I shall do so in this order..

\* 1. Is it permissible for the Piro Testimonial Committee, a non-elected political committee organized under the General Laws, to obtain and use a credit card? e.g. Master Card or Visa?

\* 2. Is it permissible to use campaign funds to purchase clothing for your personal use during political campaigns and political functions?

\* According to the Banking Commission of Massachusetts, a 3-party credit card, such as a Master Card or Visa, involves a transaction whereby a card issuer makes payment to the seller, and then bills the cardholder. This transaction results in a loan to the cardholder by the Cardissuer, as often indicated by the finance charges which attach to the payment due the cardissuer by the cardholder.

\* M.G.L. c. 55, section 1, defines a contribution, in part, as "a gift, subscription, loan, advance, deposit of money, or thing of value, except a loan of money to a candidate by a national or state bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business ..." Thus, the use of a credit card by a political committee, resulting in a loan to the committee by the cardissuer is defined as a contribution under c. 55.

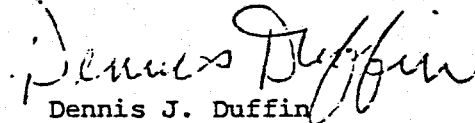
\* M.G.L. c. 55, section 8 specifies that political committees and candidates cannot receive corporate contributions. Pursuant to the above, a 3-party credit card issued by a corporate entity to your political committee would result in a prohibited corporate contribution under c. 55.

You have also requested my opinion concerning the use of the campaign funds to purchase clothing for your use during political campaigns and functions. M.G.L. c. 55, section 6 states in relevant part that " any other political committee, duly organized, may receive, pay and expend money or other thing of value for the enhancement of the political future of the candidate or the principle, for which the committee was organized so long as such expenditure is not primarily for the candidate's or any other person's personal use, provided however, that the director shall establish reasonable rules and regulations concerning such expenditure..."

It is my opinion that normal clothing attire which is usual to the ordinary course of everyday living is primarily for one's personal use, and its purchase with political committee campaign funds is thus prohibited under section 6. The fact that such clothing is worn during a political campaign does not fundamentally change the personal nature of it. However, novelty clothing items and costumes which are primarily worn to advertise one's candidacy are not for personal use, and are permitted. Additionally, a clothing item which is rented exclusively for a particular political function, and is different than that ordinarily purchased by individuals, is also permitted.

In conclusion, it is my opinion, that it is not permissible under M.G.L. c. 55 for the Piro Testimonial Committee to obtain a 3-party credit card such as Master Card or Visa, or to purchase everyday clothing items for your own personal use.

Very truly yours,

  
Dennis J. Duffin  
Director

DJD/rep